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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/843,766 | 04/30/2001 | Jacob McGuire | 033048-064 | 9191 |
| 21839 | 7590 | 01/31/2006 | EXAMINER | |
| BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | CHANKONG, DOHM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2152 | |

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/843,766 | MCGUIRE, JACOB |
| | Examiner | Art Unit |
| | Dohm Chankong | 2152 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

- 1> This action is in response to Applicant's arguments filed 11.4.2005. Claims 1-14 are presented for further examination.
- 2> This is a non-final rejection.

Response to Arguments

- 3> Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4> Claims 1-4 and 8-11 are rejected under 35 U.S.C § 102(e) as being anticipated by Sciacca, U.S Patent No. 6,760,761.

5> As to claim 1, Sciacca discloses a system for automatically deploying a plurality of network devices, comprising:

a memory for storing a template which contains a sequence of commands for configuring each of a plurality of devices of a given type, wherein each command that refers to a particular device contains a variable as the identification of the device [column 1 «lines 31-34» | column 4 «lines 5-15» | column 6 «lines 34-42» | column 8 «lines 61-67» | column 9 «lines 4-10» where : Sciacca's policy corresponds to a template. The policy is written in a generic format containing variables that are refer to values specific to the managed device. In generating device-specific configurations for the managed device, the specific values for each of the variables is retrieved from the database];

a database storing a record which indicates the respective network address of each specific device for which a given device is to be configured [column 3 «lines 35-42» | column 5 «lines 3-15» | column 6 «lines 34-42»]; and

an interface responsive to a command to configure a given device for retrieving said template and the stored record associated with said given device, substituting the network addresses in the retrieved record for the variables in said template, and issuing commands to configure the given device in accordance with said retrieved record and said template [column 6 «lines 34-61» | column 9 «lines 4-52» where : Sciacca's managed devices are configured by retrieving policies and associated managed device information from a database.

The managed device is configured in accordance with the policy (template) and the retrieved device information, such as address information].

6> As to claim 2, Sciacca discloses IP addresses [column 5 «lines 12-15»].

7> As to claim 3, Sciacca discloses a plurality of templates are stored in said memory, each corresponding to a different respective type of device [column 1 «lines 35-38» | column 8 «lines 51-55» : different policies for different types of devices].

8> As to claim 4, Sciacca discloses said templates are stored in said database [column 4 «lines 5-20»].

9> As to claims 8-11, as they claims to a method that outline the functionality of the system of claims 1-4, respectively, they do not teach or further define over the claimed limitations. Therefore, claims 8-11 are rejected for the same reasons set forth for claims 1-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10> Claims 5, 6, 12 and 13 is rejected under 35 U.S.C § 103(a) as being unpatentable over Sciacca.

11> As to claim 5, Sciacca does not expressly disclose that said interface issues said commands in a format generic to a plurality of different types of devices, and further including a library containing converters for converting said generic commands into device-specific commands to be applied to individual network devices.

However, Sciacca does disclose that “configuration novices” may enter commands by providing basic configuration data [column 3 «lines 49-52»]. These commands coupled with the policies [see Figure 3] comprise a generic command which is converted by the device configuration generator to a device-specific configuration that may be deployed to the managed device to configure it [column 4 «lines 22-28» | column 8 «line 61» to column 9 «line 3»]. So while Sciacca does not expressly disclose utilizing a library of converters, one of ordinary skill in the art could have reasonably inferred that his device configuration generator which essentially converts the generic policy into a device-specific configuration is analogous to the claimed library.

12> As to claim 6, Sciacca discloses the system of claim 5 wherein said converters transmit each of said device-specific commands in accordance with a transmission protocol corresponding to the individual devices, respectively [column 3 «lines 37-42 | column 8 «lines 35-44»].

13> As to claims 12 and 13, as they claims to a method that outline the functionality of the system of claims 5 and 6, respectively, they do not teach or further define over the claimed limitations. Therefore, claims 12 and 13 are rejected for the same reasons set forth for claims 5 and 6.

14> Claims 7 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Sciacca, in further view of McNeely et al, U.S Patent Application Publication US 2002/0162059 A1 ["McNeely"].

15> As to claim 7, Sciacca discloses the system substantially as claimed in claim 1. Ballard does not specifically disclose that one of said transmission protocols comprises Telnet.

16> McNeely teaches a system for automatic configuration of a plurality of network devices wherein communication with said network devices is done in accordance with a Telnet transmission protocol [abstract | paragraph 65 | paragraph 84]. It would have been obvious to a person of ordinary skill in the art include telnet in Sciacca's system because doing so would increase the number of devices that with which Sciacca's interface could communicate. One would have been motivated to do this to allow Sciacca's system to include network devices that could be accessed by remote terminal access.

17> Claim 14 is a method that claims the steps performed by the system of claim 7. Therefore, claim 14 is rejected for the same reasons as set forth for claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER